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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,581	12/06/2000	David M. Maymudes	MS1-637US	9810

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EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,581

Applicant(s)

MAYMUDES ET AL.

Examiner

Ba Huynh

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-48 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

BA HUYNH
PRIMARY EXAMINER

DETAILED ACTION

Claim Objections

1. Claims 11, 21, 22, 29, 47, 48 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. *OK as per E5 ULPQ 2/11/44.*

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As for claims 4, 8: The phrase “shrinking/stretching” is indefinite as to it is not clear whether its scope should be read as “shrinking and stretching” or “shrinking or stretching”.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant fails to provide a detailed description of how more than one computer-readable media having instruction thereon are put together to perform the steps as recited.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 21, 29, 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Program codes per se are not statutory subject matter under 35 USC 101.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-3, 6-7, 9-14, 16, 18-33, 35, 37-41, 43, 45-48 are rejected under 35

U.S.C. 102(a) as being anticipated by US patent #6,069,668 (Woodham, Jr. et al).

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- As for claims 1, 11, 12, 21, 22, 23, 27, 28-30: Woodham Jr. et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:
 - a video application configured to enable a user to combine multiple different video clips (implicitly included in the teaching of video production, 1:10-14),
 - a bitmap processor DVE operatively coupled with the video application and configured to receive a first bitmap (i.e, a video frame, 3:44-45) that can be used to render a transition between video clips and automatically process the first bitmap to provide a different transition based upon user input (e.g., burst, meltdown, circular, swirls...3:14-28; 4:43-48; 6:49-51) between video clips (3:45-54; 4:53 - 5:34) .
- As for claims 2, 3, 13, 24, 31: The DVE comprises multiple modules (warp, offset, key tables), and is configured to process the first bitmap to provide a second bitmap that is different from the first bitmap, to render a different transition (3:14-28; 4:53 - 5:34).
- As for claims 6, 7, 18, 19, 37, 38, 45: The DVE includes an offset module that is configured to provide a transition that is offset from a transition provided by the first bitmap (3:45-63). The offset module defines a border in a transition defined by the bitmap.
- As for claims 9, 10, 40: The DVE is configured to receive parameter(s) provided by the user to process the bitmap (4:43-48; 6:49-51). The parameter(s) can be used to change the structure of the bitmap (6:40 – 7:16).

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- As for claims 14, 16, 20, 25, 33, 35, 41, 43, 46: The DVE comprises a module for stretching the first bitmap (5:20-22).
- As for claim 32: A bitmap can be scaled to contains a predetermined number of gray scale value (11:45 – 12: 23).
- As for claims 39, 47, 48: Woodham Jr. et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:
 - a video application configured to enable a user to combine multiple different video clips (implicitly included in the teaching of video production, 1:10-14),
 - a bitmap processor DVE operatively coupled with the video application and configured to receive a first bitmap (i.e, a video frame, 3:44-45) that can be used to render a transition between video clips and automatically process the first bitmap to provide a different transition based upon user input (e.g., burst, meltdown, circular, swirls...3:14-28; 4:43-48; 6:49-51) between video clips (3:45-54; 4:53 - 5:34) .A bitmap can be scaled to contains a predetermined number of gray scale value (11:45 – 12: 23).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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11. Claims 4, 5, 8, 15, 17, 34, 36, 42, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham, Jr. et al.

- As for claims 4, 15, 34, 42: The DVE comprises a module for stretching the first bitmap (5:20-22). Woodham fails to clearly teach the means for shrinking the bitmap. However since shrinking is a mirror image of stretching, it would appear that means for shrinking the bitmap is inherently included in the teaching of stretching the bitmap. Even if it is not, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the means for shrinking the bitmap to Woodham. Motivation of the implementation is for adjusting the stretching of the bitmap.
- As for claims 5, 17, 36, 44: Woodham fails to clearly teach the module for replicating the bitmap. However implementation of the means for replicating is well known in computer art. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means for replicating the bitmap. Motivation of the implementation is for providing a copy of the bitmap.
- As for claim 8: The DVE includes an offset module that is configured to provide a transition that is offset from a transition provided by the first bitmap (3:45-63). The offset module defines a border in a transition defined by the bitmap. The DVE further comprises a module for stretching the first bitmap (5:20-22). Woodham fails to clearly teach the means for shrinking the bitmap. However since shrinking is a mirror image of stretching, it would appear that means for shrinking the bitmap is inherently included in the teaching of stretching the bitmap. Even if it is not, it would

have been obvious to one of skill in the art, at the time the invention was made, to implement the means for shrinking the bitmap to Woodham. Motivation of the implementation is for adjusting the stretching of the bitmap. Woodham fails to clearly teach the module for replicating the bitmap. However implementation of the means for replicating is well known in computer art. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means for replicating the bitmap. Motivation of the implementation is for providing a copy of the bitmap.

Allowable Subject Matter

12. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fail to clearly teach the user input parameter that define a range that, in turn, defines a border thickness of a border to effect a transition.

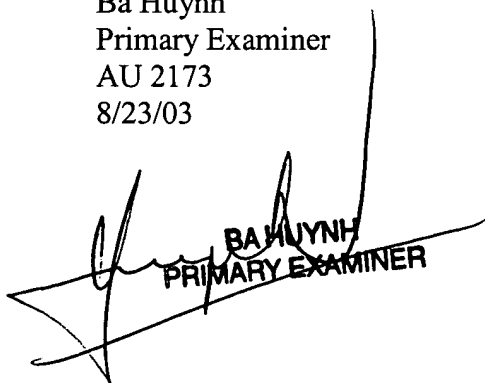
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Ba Huynh
Primary Examiner
AU 2173
8/23/03


BA HUYNH
PRIMARY EXAMINER